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Attorneys for Defendant County of Stanislaus

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

NICHOLAS HONCHARIW, Trustee,
Honchariw Family Trust,

Plaintiff,

v.

COUNTY OF STANISLAUS,

Defendant.

Case No. 1:21-cv-00801-DAD-SKO

**STIPULATION TO EXTEND TIME
TO RESPOND TO SUPPLEMENTAL
COMPLAINT; ORDER**

(Doc. 4)

1 WHEREAS, on May 17, 2021, Defendant County of Stanislaus filed a notice of removal
2 in this Court and in the Stanislaus County Superior Court following Plaintiff Nicholas
3 Honchariw's filing of a Verified Supplemental and Amended Complaint ("Supplemental
4 Complaint") in state court (Dkt. 1, Ex. 36);

5 WHEREAS, the County intends to file a motion to dismiss the Supplemental Complaint
6 in this Court;

7 WHEREAS, on May 21, 2021, the County informed Honchariw of its intention to file a
8 motion to dismiss as part of its obligation to meet and confer;

9 WHEREAS, on the same day, Honchariw informed the County that he intends to file a
10 motion to remand this case to state court under 28 U.S.C. § 1447(c); and

11 WHEREAS, the parties agree that the resources of the parties and the Court would be
12 best conserved by deferring proceedings on the motion to dismiss until the Court has ruled on
13 Honchariw's motion for remand;

14 NOW, THEREFORE, the parties hereby stipulate as follows and accordingly request that
15 the Court enter the [Proposed] Order set forth below:

16 1. Pursuant to Local Rule 144(a), the time for filing the County's motion to dismiss
17 or other responsive pleading shall be extended to June 21, 2021.

18 2. If Honchariw files a motion for remand under 28 U.S.C. § 1447(c), the time for
19 filing the County's motion to dismiss or other responsive pleading in this Court shall be further
20 extended until seven days after this Court enters an order denying Honchariw's motion for
21 remand. If the Court grants Honchariw's motion, the parties will meet and confer about the
22 timing for filing a responsive pleading on remand in state court.

23 3. The County shall request a hearing date on its motion to dismiss so as to provide
24 Honchariw at least 30 days after the filing of the motion in which to file his opposition.

1 DATED: May 24, 2021

SHUTE, MIHALY & WEINBERGER LLP

2
3 By: s/Matthew D. Zinn

4 MATTHEW D. ZINN

AARON M. STANTON

5 Attorneys for Defendant County of Stanislaus

6
7 DATED: May 24, 2021

NICHOLAS HONCHARIW, TRUSTEE,
HONCHARIW FAMILY TRUST

8
9 By: s/Nicholas Honchariw

10 NICHOLAS HONCHARIW

11 Attorney for Plaintiff

12
13 **ORDER**

14 Based on the parties' above-stipulation (Doc. 4), and for good cause shown,
15 it is HEREBY ORDERED that Defendant's motion to dismiss or other responsive
16 pleading shall be filed within seven days after issuance by this Court of an order denying any
17 motion to remand filed by Plaintiff. If the Court grants Plaintiff's motion, the parties shall meet
18 and confer regarding the timing for filing a responsive pleading on remand in state court.
19 Defendant shall request a hearing date on its motion to dismiss that provides Plaintiff at least 30
20 days after the filing of the motion in which to file his opposition.

21
22 IT IS SO ORDERED.

23 Dated: May 25, 2021

/s/ Sheila K. Oberto

24 UNITED STATES MAGISTRATE JUDGE